

# Order

Michigan Supreme Court  
Lansing, Michigan

February 27, 2007

Clifford W. Taylor,  
Chief Justice

132328

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SHANNON NEAL BRINKLEY,  
Plaintiff-Appellant,

v

SC: 132328  
COA: 269725  
Wayne CC: 98-840467-DM

LENA MARIE BRINKLEY,  
Defendant-Appellant,

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KENNETH BACA and PATRICIA BACA,  
Appellees.

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On order of the Court, the application for leave to appeal the July 18, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for plenary consideration of the grandparents' constitutional issue. Although the Court of Appeals did not err in concluding that the doctrine of res judicata was improperly applied by the Wayne Circuit Court to deny the motion for relief from judgment, a remand to the circuit court is not necessary in order to resolve the constitutional questions presented. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 27, 2007

*Corbin R. Davis*

Clerk